

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2014040514

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO AMEND COMPLAINT

On September 5, 2014, a telephonic prehearing conference was held before Administrative Law Judge June R. Lehrman, Office of Administrative Hearings. Alexis Casillas, Attorney at law, appeared on behalf of Student. Mary Kellogg, Attorney at Law, appeared on behalf of District. The PHC was recorded. As the first order of business the ALJ considered Student's Motion to Amend the Due Process Complaint.

On April 09, 2014, Student filed a Due Process Hearing Request (complaint), naming Downey Unified School District. On September 2, 2014, Student filed a Motion to Amend the complaint. District filed an opposition on September 3, 2014. Student filed a reply on September 4, 2014.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates. All other PHC matters shall be considered at the reset PHC.

IT IS SO ORDERED.

DATE: September 05, 2014

/s/

JUNE R. LEHRMAN

Administrative Law Judge

Office of Administrative Hearings

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.